

**SUNNYSIDE ORCHARDS NO. 4, BLOCK 21, LOT 8A, AP (PRICE)  
FIVE-LOT MINOR SUBDIVISION**

**STAFF REPORT FOR PLANNING BOARD**

**CASE PLANNER:**

Benjamin H. Howell



**REVIEWED/  
APPROVED BY:**

Renee Van Hoven



**PUBLIC HEARINGS/  
MEETINGS:**

RCPB Public Hearing:

August 16, 2006

Deadline for PB recommendation to BCC:

September 20, 2006

BCC Public Meeting:

September 21, 2006

Deadline for BCC action (35 working days):

October 5, 2006

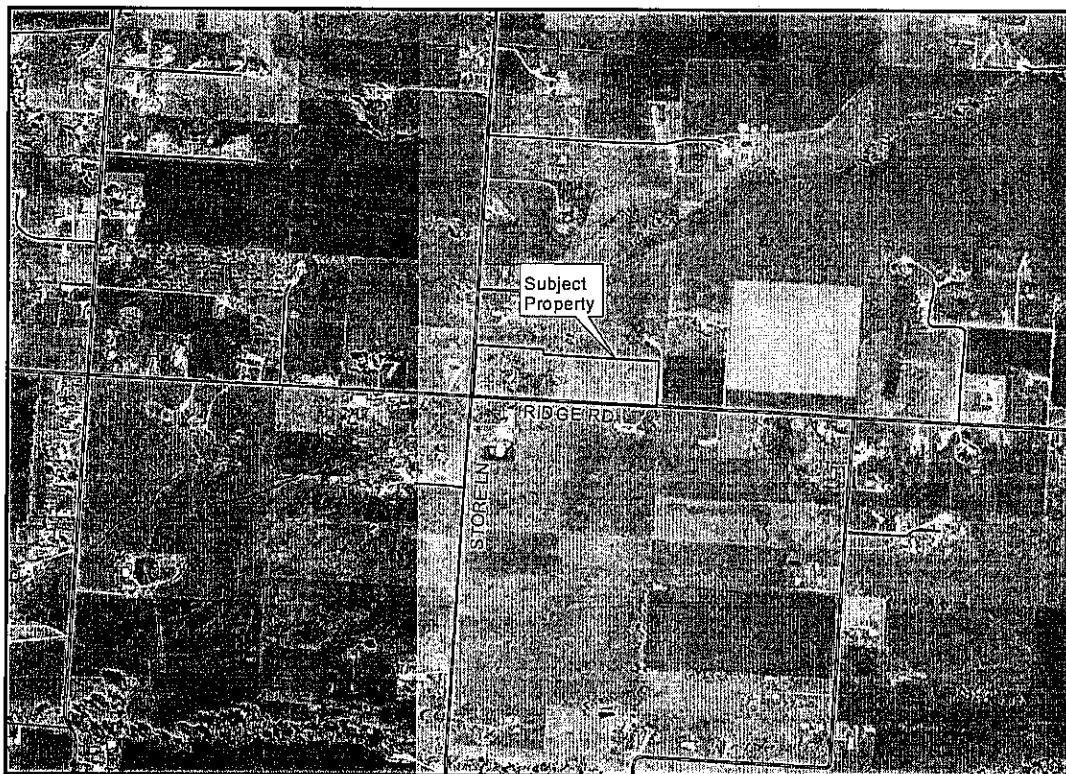
**APPLICANT/OWNER:**

Richard G. & Sherry L. Price  
4708 Store Lane  
Stevensville, MT 59870

**REPRESENTATIVE:**

Terry Nelson, Applebury Survey

**LOCATION OF REQUEST:** The property is located northeast of Stevensville off Store Lane and Ridge Road. (See Map 1)



**Map 1: Location Map**

(Source Data: Ravalli County Planning Department)

**LEGAL DESCRIPTION  
OF PROPERTY:**

Sunnyside Orchards No. 4, Block 21, Lot 8A, AP located in the SW  
¼ of Section 33, T10N, R19W, P.M.M., Ravalli County, Montana.

**APPLICATION  
INFORMATION:**

The subdivision application was determined complete on July 31,  
2006. Agencies were notified of the subdivision and comments  
received by the Planning Department not included in the application  
packet are Exhibits A-1 through A-5 of the staff report.

**LEGAL NOTIFICATION:**

A legal advertisement was published in the Ravalli Republic on  
Tuesday, August 1, 2006. Notice of the project was posted on the  
property and adjacent property owners were notified by certified mail  
postmarked August 1, 2006. One public comment is included as  
Exhibit B.

**DEVELOPMENT  
PATTERN:**

Subject property	Residential
North	Residential and Agriculture
South	Agriculture
East	Residential and Agriculture
West	Residential and Agriculture

## RAVALLI COUNTY PLANNING BOARD

AUGUST 16, 2006

### SUNNYSIDE ORCHARDS NO. 4, BLOCK 21, LOT 8A, AP FIVE-LOT MINOR SUBDIVISION

#### RECOMMENDED MOTION

That the Sunnyside Orchards No. 4, Block 21, Lot 8A, AP Minor Subdivision be **approved**, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report.

#### RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

***Notification of Proximity to Agricultural Operations.*** This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Effects on Agriculture)*

***Notification of Irrigation Ditches and Easements.*** Within this subdivision there are irrigation ditches and easements. All downstream water right holders have the right to maintain and repair their ditches/pipelines and diversion structures whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. The downstream water rights holders must approve any relocation or alteration (i.e. installation of a culvert) of an irrigation ditch or pipeline. Any act which damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easement to maintain the ditch or pipeline. *(Effects on Agricultural Water User Facilities)*

***Limitation of Access onto a County Road.*** A "no ingress/egress" restriction is located along the Store Lane and Ridge Road frontages of the subdivision, which precludes vehicular access onto these County-maintained roads, excepting the existing approaches for Lot 8E on Store Lane and the two approved common accesses onto Ridge Road. This limitation of access may be lifted or amended with approval of the County. *(Effects on Local Services)*

***Notification of Common Access Maintenance Agreement.*** Ravalli County, the State of Montana, or any other governmental entity does not maintain the common accesses to Lots 8A, 8B, 8C or 8D, and therefore does not assume any liability for improper maintenance or the lack thereof. A Common Access Maintenance Agreement for the accesses was filed with this subdivision and outlines what parties are responsible for maintenance and under what conditions. *(Effects on Local Services)*

***Notification of No-Build/Alteration Zone.*** Within this subdivision there is a no-build/alteration zone traversing Lots 8D and 8E, as shown on the plat, to protect the natural drainage in this area. No new structure, with the exception of fences, may be constructed in this area. *(Effects on Natural Environment and Public Health and Safety)*

**Notification of Severe Soils.** Within this subdivision there are areas of the property identified as potentially having soils rated as severe for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and descriptions of the severe soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) *(Effects on Public Health and Safety)*

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

**Living with Wildlife.** (See Attachment A-1 for the required provisions) *(Effects on Agriculture, Natural Environment and Wildlife and Wildlife Habitat)*

**Waiver of Protest to Creation of RSID/SID.** Owners and their successors in interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to creating and/or improving a community water or wastewater treatment system and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. *(Effects on Local Services)*

**Required Posting of County-Issued Addresses for Lots within this Subdivision.** The Three Mile Fire District has adopted the Uniform Fire Code (UFC), which requires lot owners to post County-issued addresses at the intersection of the driveway leading to the primary residence and the accessing road as soon as construction on the residence begins. *(Effects on Public Health and Safety)*

**Access Requirements for Lots within this Subdivision.** All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 20', a vertical clearance of 13'6", and an all weather surface that can accommodate the weight of a fire truck to meet requirements of the UFC. Please contact the Three Mile Rural Fire District for further information on the requirements of the Three Mile Rural Fire District and/or the UFC. *(Effects on Local Services and Public Health and Safety)*

**Primary Heat Source.** The primary heat source for the newly constructed residences in this subdivision shall be at least 75% efficient. *(Effects on Natural Environment)*

**Lighting for New Construction.** Full cut-off lighting shall be required for any new construction within this subdivision. A full cut-off fixture means fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light emitted. The source of light is fully shielded, top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. Spotlighting of flag poles shall be permitted. *(Effects on Public Health & Safety)*

**Control of Noxious Weeds.** Lot owners shall control the growth of noxious weeds on their respective lot(s). *(Effects on Natural Environment)*

**Radon Exposure.** The owner understands and accepts the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. *(Effects on Public Health and Safety)*

**Amendment.** The covenants filed with the final plat shall state that written Governing Body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. *(Effects on all six criteria)*

3. The subdivider shall include an RSID/SID waiver in a notarized document filed with the subdivision plat that states the following: Acceptance of a deed for a lot within this subdivision shall constitute the assent of the owners and any successors in interest to any future RSID/SID, based on benefit, for a community wastewater system, community water system, or upgrading roads leading to or within the subdivision, including but not limited to paving, curbs and gutters, non-motorized transportation facilities, street widening, and drainage facilities. *(Effects on Local Services)*
4. The final plat shall show a no ingress/egress zone along the Store Lane and Ridge Road frontages of the subdivision, excepting the existing approaches for Lot 8E onto Store Lane and the two approved common accesses on Ridge Road *(Effects on Local Services)*
5. The applicant shall provide for an additional five feet of public road and utility easement along the Store Lane frontage of the subdivision on the final plat and an additional ten feet of public road and utility easement along the Ridge Road frontage of the subdivision on the final plat. *(Effects on Local Services)*
6. The developer shall pave all approaches a minimum of 20 feet wide from the surface of Ridge Road and Store Lane back to the edge of the right-of-way/easement boundary or a distance of 20 feet, whichever is greater, or as required by the Ravalli County Road and Bridge Department, if specified in the approach permit. *(Effects on Local Services)*
7. The proposed irrigation easement along the northern boundary of Lots 8A through 8D shall be shown on the final plat. *(Effects on Agricultural Water User Facilities)*
8. The applicant shall meet the water supply requirements for the Three Mile Fire District, which is a 1,000-gallon per minute water supply or a 2,500 gallon per lot water storage. Alternatively, the applicant can contribute \$500 per lot and provide a letter from the Three Mile Fire District that the contribution has been made prior to final plat approval. *(Effects on Local Services & Public Health and Safety)*
9. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. *(Effects on Public Health and Safety)*
10. The applicants shall provide evidence that an amount per lot (to be decided by the Planning Board) has been contributed to the Stevensville and Lone Rock School Districts prior to final plan approval. *(Effects on Local Services)* the application states \$250 per lot, but does not give amount to which district
11. The no-build/alteration zone on Lots 8D and 8E, as shown on the preliminary plat, shall be shown on the final plat. *(Effects on the Natural Environment and Public Health and Safety)*

## **INTRODUCTION**

The Sunnyside Orchards No. 4, Block 21, Lot 8A, AP Minor Subdivision is a five-lot subdivision of 9.91 acres located northeast of Stevensville. The portion of the property along Ridge Road is relatively level. There is a no-build/alteration zone on the drainage traversing Lots 8D and 8E. It appears a portion of the property has been used for agriculture in the past. Lot 8E will utilize two

existing accesses onto Store Lane, and Lots 8A through 8D will use two common accesses onto Ridge Road.

*Staff recommends conditional approval of the subdivision proposal.*

## **SUBDIVISION REPORT**

### **COMPLIANCE WITH PRIMARY SUBDIVISION REVIEW CRITERIA**

#### **CRITERION 1: EFFECTS ON AGRICULTURE**

##### **Findings of Fact:**

1. The proposed minor subdivision on 9.91 acres will result in five lots that range in size from 1.50 to 3.90 acres. The property is located approximately eight miles northeast of the Town of Stevensville.
2. There are no soils classified as Prime Farmland and Farmland of Statewide Importance.
3. The property is located in an area where there is a mix of agricultural and residential uses. To mitigate impacts on nearby agricultural practices, a notification of agricultural operations shall be filed with the final plat and the covenants shall include a provision requiring owners to control domestic pets. (Conditions 1 & 2 – in Living with Wildlife section)

##### **Conclusions of Law:**

With the mitigating conditions, impacts of this subdivision on surrounding agricultural practices will be minimized.

#### **CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES**

##### **Findings of Fact:**

1. The application states that 9.7 irrigated acres of water are provided to the property by the Bitter Root Irrigation District (BRID). An existing irrigation pipeline located along the northern boundary of Lots 8A through 8D, as shown on the preliminary plat, will provide each lot with water. Lots 8A through 8D will be allotted 1.5 irrigated acres each and Lot 8E will be allotted 3.70 irrigated acres.
2. As a requirement of final plat approval, Section 3-3-4(c)(25) of the Ravalli County Subdivision Regulations requires the approval of the irrigation district when irrigation ditches/pipelines are to be altered.
3. Installation of irrigation infrastructure is required to be completed prior to final plat approval.
4. The applicant is proposing a 10-foot wide irrigation easement along the pipeline traversing the northern boundary of Lots 8A through 8D. To mitigate impacts on agricultural water user facilities, the irrigation easements shall be shown on the final plat. (Condition 8)
5. To notify future property owners of the irrigation rights associated with this property and the role of the Irrigation District and to mitigate potential impacts on agricultural water user facilities, a notification of the irrigation ditches and easements shall be filed with the final plat. (Condition 1)

##### **Conclusion of Law:**

With the mitigating conditions and the requirements of final plat approval, impacts to agricultural water user facilities will be minimized.

#### **CRITERION 3: EFFECTS ON LOCAL SERVICES**

##### **Findings of Fact:**

1. Store Lane and Ridge Road are County-maintained roads that do not meet County Standards. A requirement of final plat approval is that the developer pays the pro-rated share of the cost to improve the portion of these roads providing access to the subdivision.
2. To mitigate impacts on local services, the applicant shall provide for an additional five feet of public road and utility easement along the Store Lane frontage of the subdivision and an additional ten feet of public road and utility easement along the Ridge Road frontage of the subdivision. (Condition 5)

3. Access for Lots 8A through 8D is proposed via two common accesses off Ridge Road, and access for Lot 8E is proposed via two existing accesses onto Store Lane. To mitigate impacts on the local road system, a no ingress/egress zone shall be placed along the Store Lane and Ridge Road frontages of the proposed subdivision, excepting the existing approaches for Lot 8E on Store Lane and the two approved common accesses on Ridge Road and a notification of the no ingress/egress zone shall be included in the Notifications Document filed with the final plat. (Conditions 1 and 4)
4. To mitigate impacts on local services, the common accesses for Lots 8A through 8D and the existing access for Lot 8E shall be paved a minimum of 20 feet wide from the edge of pavement of Ridge Road and Store Lane to the edge of the right of way, or 20 feet in length, whichever distance is greater. (Condition 7)
5. Approach permits approved by the Road and Bridge Department for the common accesses and a common access maintenance agreement will be required prior to final plat approval. To mitigate impacts on local services, notification of the common access maintenance agreement shall be filed with the Notifications Document. (Condition 1)
6. To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, an RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
7. Individual wells and wastewater treatment systems are proposed for lots within this subdivision.
8. Bitterroot Disposal provides service to this site.
9. The Lone Rock and Stevensville School Districts were notified of the subdivision proposal. In a letter dated August 3, 2006, the Stevensville School District stated the impact of the subdivision was \$5,000 per student per year. (*Exhibit A-2*) The developer is proposing to contribute \$250 per lot to the School Districts, but did not specify what amount would go to each district. A condition that the developer provides evidence of this contribution to the school districts is required prior to final plat approval. (Condition 11)
10. The Three Mile Rural Fire District has provided the County with their general policy recommendations (*Exhibit A-3*). The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2 & 9)
11. The Ravalli County Sheriff's Office provides law enforcement services to this area.
12. Public Services are adequate for this subdivision.

#### Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be minimized.

#### **CRITERION 4: EFFECTS ON THE NATURAL ENVIRONMENT**

##### Findings of Fact:

1. There is an intermittent drainage traversing Lots 8D and 8E and the applicant is proposing a no-build/alteration zone. To mitigate impacts on the natural environment, a no-build/alteration zone centered on the drainage shall be shown on the final plat, as shown on the preliminary plat, and the covenants for riparian area use suggested by FWP shall be included in the covenants. (Conditions 1, 2 and 12)
2. Individual wells and wastewater treatment systems are proposed to serve lots within the subdivision and adequate information has been provided to the Environmental Health Department for local subdivision review to occur. A Certificate of Subdivision Plat Approval from Montana DEQ is required to be submitted with the final plat. (*Exhibit A-4*)
3. To mitigate air pollution resulting from home heating emissions, the protective covenants filed with the final plat shall state that the primary heat source for any newly constructed residences must be at least 75% efficient. (Condition 2)



4. A noxious weed and vegetation control plan is required to be filed with the final plat for ground disturbance associated with a subdivision. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district, shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, *such as* road construction, the plan shall be submitted to the weed board for approval from the board. To mitigate impacts on the natural environment, a noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)

Conclusion of Law:

With the mitigating conditions and the requirements of final plat approval, impacts from this subdivision on the natural environment will be minimized.

**CRITERION 5: EFFECTS ON WILDLIFE AND WILDLIFE HABITAT**

Findings of Fact:

1. The property is not located within the FWP-identified big game winter range and no species of special concern have been identified in the vicinity of the subdivision.
2. The FWP comment letter recommends including Living with Wildlife provisions in the covenants for this subdivision. (Condition 2)

Conclusion of Law:

With the condition of approval, impacts of the proposed subdivision on wildlife will be mitigated.

**CRITERION 6: EFFECTS ON PUBLIC HEALTH AND SAFETY**

Findings of Fact:

1. The applicant is proposing to utilize the two existing accesses for Lot 8E on Store Lane and two common accesses on Ridge Road for Lots 8A through 8D instead of an internal road. The Road Department and Board of County Commissioners have generally preferred fewer accesses onto County-maintained roads.
2. The Ravalli County Road and Bridge Department's Access Encroachment Policy, adopted January 27, 2006, states that a parcel or multiple parcels under the same ownership shall have one access onto a County road. (*Exhibit A-5*)
3. The applicant has provided an approved approach permit, signed May 23, 2006, from the Road and Bridge Department for the two common accesses onto Ridge Road. (Application)
4. The conditions that address the Fire District's recommendations will mitigate impacts on local services and public health and safety. (Conditions 2 & 9)
5. The preliminary plat shows an intermittent drainage traversing Lots 8D and 8E protected by a 50-foot wide no-build/alteration zone. In order to mitigate impacts on public health and safety, notification of the no-build/alteration zone shall be included in the Notifications Document and the no-build/alteration zone placed on the final plat. (Conditions 1 & 12)
6. The preliminary plat and soils map indicate that portions of this subdivision may have soils rated as severe for building and road construction. To educate property owners and to mitigate potential impacts of this subdivision on public health and safety, a notification of the potential for severe soils shall be included in the Notifications Document filed with the final plat. (Condition 1)
7. Lots will be served by individual wells and wastewater treatment systems. (Natural Environment)
8. To mitigate the general impacts of this subdivision on public health and safety, the subdivider shall apply for County-issued addresses for each lot within this subdivision. A provision shall be included in the protective covenants requiring property owners to post County-issued addresses at their driveways to enhance provision of emergency services. (Conditions 2 & 10)

9. To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision requiring full cut-off lighting with the exception of flag poles. (Condition 2)
10. There is a prevalence of radon in the County and to mitigate impacts on public health and safety, the covenants for this property shall include a statement regarding radon exposure. (Condition 2)

Conclusion of Law:

The mitigating conditions and requirements of final plat approval address potential impacts of this subdivision on public health and safety.

**COMPLIANCE WITH:**

**1) THE SURVEY REQUIREMENTS PROVIDED FOR IN PART 4 OF M.C.A. 76-3.**

Finding of Fact:

The Seal of a Professional Land Surveyor or Engineer is required on all final plats, which states that the subdivision complies with part 4 of M.C.A. 76-3.

Conclusion of Law:

This proposal meets the survey requirements or conditions have been required to bring the proposal into compliance.

**2) THE LOCAL SUBDIVISION REGULATIONS PROVIDED FOR IN PART 5 OF M.C.A. 76-3.**

Finding of Fact:

Subdivisions are required to comply with the local subdivision regulations provided for in part 5 of M.C.A. 76-3.

Conclusion of Law:

The developer has submitted a plan which complies with the requirements of local subdivision regulations or conditions have been required that will bring the plan into compliance.

**3) THE LOCAL SUBDIVISION REVIEW PROCEDURE PROVIDED FOR IN THE RAVALLI COUNTY SUBDIVISION REGULATIONS**

Findings of Fact:

1. Subdivisions are required to comply with the local subdivision review procedure provided for in the Ravalli County Subdivision Regulations.
2. A decision of the governing body rejecting or approving a proposed subdivision may be appealed to the district court within thirty (30) days of such decision. The petition shall specify the grounds upon which the appeal is made. An appeal may be made by the subdivider; a landowner with a property boundary contiguous to the proposed subdivision or a private landowner with property within the unincorporated area of the county that can show a likelihood of material injury to the landowner's property or its value; a first class municipality if the subdivision is within three miles of its limits, a second class municipality if a subdivision is within two miles of its limits, a third class municipality or town if the subdivision is within one mile of its limits. An aggrieved party means a person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, who has been or is likely to be specially and injuriously affected by the decision.

Conclusion of Law:

This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations.

**CONSISTENCY WITH EXISTING ZONING AND COVENANTS**

Findings of Fact:

1. The application states the property is not located within a zoning district.
2. There are no existing covenants on the property.

Conclusion of Law:

Zoning and covenants do not apply to this property.

**PROVISION OF EASEMENTS FOR UTILITIES**

Findings of Fact:

1. The plat indicates utility easements are located along Store Lane and Ridge Road.
2. According to the application, the proposed subdivision will be served by NorthWestern Energy and Qwest Telephone. Utility companies have been notified of the proposed subdivision and no comments have been received to date.
3. Utility easements are required to be shown on the final plat.

Conclusion of Law:

Utility services are available to the subdivision.

**PROVISION OF LEGAL AND PHYSICAL ACCESS**

Finding of Fact:

Physical and legal access for this subdivision is proposed via Eastside Highway, Three Mile Creek Road, Store Lane and Ridge Road. (*Local Services*)

Conclusion of Law:

With the conditions of approval and requirements of final plat approval, the proposal meets physical and legal access requirements.



**EXHIBIT A-1**  
**Montana Fish, Wildlife & Parks**

**RECEIVED**

AUG 09 2006  
1C-06-08-1278  
Ravalli County Planning Dept.

Region 2 Office  
3201 Spurgin Road  
Missoula, MT 59804-3101  
Phone 406-542-5500  
August 9, 2006

Ben Howell, Planner  
Ravalli County Planning Department  
215 S. 4<sup>th</sup> St., Ste. F  
Hamilton, MT 59840

Dear Mr. Howell:

Reference: Sunnyside Orchards, Lot 08A (#4, Blk 21; Price)--Proposed minor (5 lots on 9.9 acres) subdivision, ~5 miles SE of Florence

Normally when Montana Fish, Wildlife & Parks reviews subdivisions, we customize our letter to the specific location and circumstances of the subdivision. However, we just recently (Aug. 3) received notice of this subdivision. In order to expedite our comments and based on our review of the general location and the amended plat for this subdivision, we recommend the enclosed development covenants to help homeowners deal with and avoid potential wildlife issues.

Additionally, an unnamed intermittent side drainage of Threemile Creek flows in a southwesterly direction down through lots 8D and 8E. We appreciate the 50-foot "no build/alteration" buffer zone indicated on the plat for this side channel. We recommend consideration of requiring the enclosed riparian area covenants to guide use of this intermittent channel and its associated riparian area.

We thank you for providing the opportunity for MFWP to comment on this subdivision. (Please contact Sharon Rose at 542-5540 or [shrose@mt.gov](mailto:shrose@mt.gov) if you wish to receive an electronic version of these comments or covenants.)

Sincerely,

Mack Long  
Regional Supervisor

ML/sr

**Section \_\_: Living with Wildlife**

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the occasional presence of wildlife such as deer, black bear, coyote, fox, skunk, raccoon and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at [www.fwp.mt.gov](http://www.fwp.mt.gov).

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens and fruit trees** can attract wildlife such as deer and bears. Keep produce and fruit picked and off the ground, because ripe or rotting vegetable material can attract bears and skunks. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. Netting over gardens can help deter birds from eating berries.
- c. **Garbage** should be stored in secure animal-resistant containers or indoors to avoid attracting animals such as bears, raccoons, and other wildlife. It is best not to set garbage cans out until the morning of garbage pickup.
- d. **Do not feed wildlife** or offer supplements (such as salt blocks), attractants, or bait for deer or other wildlife. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer might occasionally attract mountain lions to the area.
- e. **Birdseed** is an attractant to bears. If used, bird feeders should: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or

points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.

- f. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124). Keeping pets confined also helps protect them from predatory wildlife.
- g. **Pet food and/or livestock feed** should be stored indoors, in closed sheds or in animal-resistant containers in order to avoid attracting wildlife such as bears, mountain lions, skunks, raccoons, and other wildlife. **When feeding pets or livestock** do not leave food out overnight. Consider feeding pets indoors so that wild animals such as bear, skunk or magpie do not learn to associate food with your home.
- h. **Barbecue grills** should be stored indoors. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife.
- i. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail or wire) and no lower than 18 inches (at the bottom rail or wire) in order to facilitate wildlife movement and help avoid animals such as deer becoming entangled in the fence or injuring themselves when trying to jump the fence. We encourage the use of split rail fences.
- j. **Compost piles** can attract skunks and bears. If used they should be kept indoors or built to be wildlife-resistant. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Kitchen scraps could be composted indoors in a worm box with minimum odor and the finished compost can later be added to garden soil.)
- k. **Apiaries (bee hives)** could attract bears in this area. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- l. These wildlife covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

### Covenants for riparian area use:

Healthy, naturally functioning riparian areas benefit fish and wildlife, as well as agriculture and recreation. The goal of the "no build/alteration zone" along the intermittent side channel (of Threemile Creek) that flows southwesterly through Lots 8D and 8E of this subdivision is to protect the drainage channel and its associated riparian area. The following covenants (restrictions) are designed to help avoid damage to the channel and its riparian areas, protect structures from flooding, as well as possibly enhancing the riparian area.

On each side of the channel is a 25-foot no-build/alteration setback (zone) centered on the channel, hereafter referred to as the "buffer zone." The following restrictions apply to the channel and to the buffer zone:

1. No building, no new roads or alteration is allowed in the zone.
2. Only non-motorized access and use of the buffer zone is allowed (except for certain maintenance needs such as weed spraying).
3. Do not cut or remove live or dead vegetation, particularly shrubs and trees from the buffer zone. Exception: proper use of chemicals or other methods of control (other than mowing) for noxious weeds is allowed, and planting appropriate native riparian vegetation (trees, shrubs) is allowed.
4. Do not plant lawns in the buffer zone. Leave or plant native vegetation as ground cover as this avoids the use of fertilizers that contribute to water quality problems.
5. If planting is planned for this area, the goal should be to re-establish native plant species appropriate to the site.
6. Keep livestock out of the channel or develop off-stream watering facilities (e.g., water troughs) for livestock. Use fences if necessary to keep livestock from trampling and grazing riparian vegetation in the buffer zone.
7. In summary, allow riparian areas--the channel and its buffer zone--to remain undisturbed. Do not modify them unless such change would help return the area to a natural state.
8. These riparian covenants cannot be altered or eliminated without consent of the governing body (county commissioners).

Superintendent  
Dennis Kimzey  
Ext. 138



## Stevensville Public Schools

300 Park Avenue  
Stevensville, MT 59870  
Phone: 406-777-5481  
Fax: 406-777-1381

## EXHIBIT A-2



Manager  
Bill Schiele  
Ext. 139

RECEIVED

AUG 07 2006

1C-06-08-1259  
Ravalli County Planning Dept.

Benjamin Howell  
Planner I  
Ravalli County Planning Department  
215 South 4<sup>th</sup> Street, Suite F  
Hamilton, MT 59870

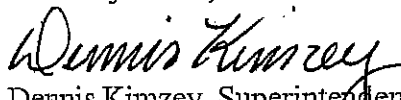
August 3, 2006

Benjamin,

Thank you for sending information concerning the 9.91 acre, five lot subdivision, owned by Richard and Sherry Price. Our Stevensville School District can absorb the potential student impact (\$5,000. per year), as well as provide school bus service. Please keep in mind our district policy is to not travel on non-maintained Ravalli County and or state roadways.

Thanks Benjamin. If questions be sure to contact my office.

Sincerely Yours,

  
Dennis Kimzey, Superintendent  
Stevensville Public Schools

Dk/pp



# EXHIBIT A-3

JUN 16 2004

THREE MILE FIRE DISTRICT  
1004 THREE MILE CRL. RD.  
STEVENSVILLE, MT 59870  
ATTN: CHIEF GIESE

June 16, 2004

IC C4 05.934

RAVALLI COUNTY PLANNING OFFICE  
215 4th Street, Suite F  
HAMILTON, MT 59840

The Three Mile Fire District has established the following requirements for new proposed subdivisions within its district. The requirements were established with consideration for life safety of the residence of the district as well as the Volunteers who are called upon to protect the district and to mitigate harm to the public health and environment.

When establishing the requirements, emphasis was given to the Uniform Fire Code, Articles 9 and 10, and Appendix III-A, The Ravalli County Subdivision Regulations, The Ravalli County Road Department standards and the 1995 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire-protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the UFC ( Uniform Fire Code ) and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given them in the above mentioned publications.

The Fire Department requires that all roads and bridges meet or exceed and are maintained to the requirements of the Uniform Fire Code ( UFC ) section 902, which reads in part:

902.2.1 Required access. Fire apparatus roads shall be provided in accordance with Sections 901 and 902.2 for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet ( 45720 mm ) from fire apparatus access as measured by an approved route around the exterior of the building or facility....

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of Sections 902.2.1 and 902.2.2 may be modified by the chief.

902.2.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet ( 6096mm ) and an unobstructed vertical clearance of not less than 13 feet 6 inches ( 4115mm )....

902.2.2.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

902.2.2.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief. { The chief accepts the Resolution approved by the Board of County Commissioner of Ravalli County. The Resolution sets the maximum acceptable road grade for acceptance for a road by the County for dedication and maintenance at six percent (6%). }

While not all parts of the UFC section 902 are listed above, it is the responsibility of the Subdivision developer to construct and maintain all fire apparatus access roads to comply with all aspects of the UFC and Ravalli County Standards.

The fire district requires that all lots ( premises ) meet the requirements of UFC 901.4.4 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above UFC.

#### WATER SUPPLY REQUIREMENTS:

The water supply required by the Uniform Fire Code for one and two family dwellings, not exceeding 3600 square feet, requires a flow rate of 1000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guild lines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2500 gallons per lot.

The Three Mile Fire District currently has an ISO Class 8 Residential rating which requires a water flow of 200 gallons per minute for a duration of 20 minutes or a total flow of 4000 gallons per residence.

Considering the above information the Fire District will accept a water supply of 1000 gallons per minute or 2500 gallons per lot of stored water. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a payment of \$ 500.00 ( Five Hundred dollars and no/100 ) per lot, in lieu of the water supply required by the UFC. The Fire District will then upon its elective purchase fire fighting apparatus or develop water supplies.

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the above listed water supply and payment schedule may be reduced by 50%. The Subdivision Covenants must state that A All residences constructed within the subdivision be completely protected with an approved automatic sprinkler system .@ Payment for the reduced amount of \$ 250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built without an approved sprinkler system within the subdivision, all lots will be subject to an additional \$ 250.00 dollar payment, regardless whether they have sprinklered residences located on them or not.

If you have any questions regarding the above listed requirements, please feel free to contact me at (406) 777-2749. I am willing to meet with you on your proposed site to review the above requirements or discuss life safety issues.

Sincerely,

Russel R. Giese  
Three Mile Fire District Chief

## EXHIBIT A-4

## SUBDIVISION APPLICATION PACKET CHECKLIST -- Water

Name of Subdivision: *SUNNYSIDE ORCHARDS TRAIL, BLOCK 26, LOT 6-A, DSP*Subdivider/Landowner Name(s): *PRICE*Consultant Name: *PAAD*Date Received: *4-10-06*

Sufficiency Review Due Date:

Yes	No	N/A	Item	Additional Information/Staff comments
			(1) Unless the land division is excluded from review under 76-4-125(2), the subdivider shall submit to the information listed below for proposed subdivisions that will include new water supply or wastewater facilities.	
<input checked="" type="checkbox"/>			Provide two copies of the following information with a check paid to RCEHD for their \$50.00 sufficiency review fee.	
<input checked="" type="checkbox"/>			(a) Vicinity Map or Plan	
<input checked="" type="checkbox"/>			(i) The location, within 100 feet outside of the exterior property line of the subdivision and on the proposed lots, of:	
<input checked="" type="checkbox"/>			(A) flood plains	
<input checked="" type="checkbox"/>			(B) surface water features	
<input checked="" type="checkbox"/>			(C) springs	
<input checked="" type="checkbox"/>			(D) irrigation ditches	
<input checked="" type="checkbox"/>			(E) existing, previously approved, and, for parcels less than 20 acres, proposed water wells and wastewater treatment systems	
<input checked="" type="checkbox"/>			(F) for parcels less than 20 acres, mixing zones identified as provided in subsection (1)(g);	
<input checked="" type="checkbox"/>			(G) the representative drainfield site used for the soil profile description as required under subsection (1)(d)	
<input checked="" type="checkbox"/>			(ii) The location, within 500 feet outside of the exterior property line of the subdivision, of public water and sewer facilities	
<input checked="" type="checkbox"/>			(b) A description of the proposed subdivision's water supply systems, storm water systems, solid waste disposal systems, and wastewater treatment systems, including whether the water supply and wastewater treatment systems are individual, shared, multiple user, or public as those systems are defined in rules published by DEQ.	
<input checked="" type="checkbox"/>			(c) A drawing of the conceptual lot layout at a scale no smaller than 1" = 200' that shows all information required for a lot layout document in rules adopted by the DEQ pursuant to 76-4-104.	

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MAY 15 2006

10-06-05-747  
Ravalli County Planning Dept.

Yes	No	N/A	Item	Additional Information/Staff comments
/			(d) Evidence of suitability for new onsite wastewater treatment systems that, at a minimum, includes:	
/			(i) A soil profile description from a representative drainfield site identified on the vicinity map, as provided in subsection (1)(a)(i)(G), that complies with standards published by DEQ.	
/			(ii) Demonstration that the soil profile contains a minimum of 4 feet of vertical separation distance between the bottom of the permeable surface of the proposed wastewater treatment system and a limiting layer.	
/			(iii) In cases in which the soil profile or other information indicates that ground water is within 7 feet of the natural ground surface, evidence that the ground water will not exceed the minimum vertical separation distance provided in subsection (1)(d)(ii);	
/			(e) For new water supply systems, unless cisterns are proposed, evidence of adequate water availability:	
/			(i) obtained from well logs or testing of onsite or nearby wells;	
/			(ii) obtained from information contained in published hydrogeological reports; <u>OR</u>	
/			(iii) as otherwise specified by rules adopted by DEQ pursuant to 76-4-104;	
/			(f) Evidence of sufficient water quality in accordance with rules adopted by DEQ pursuant to 76-4-104;	
/			(g) A preliminary analysis of potential impacts to ground water quality from new wastewater treatment systems, using as guidance rules adopted by the board of environmental review pursuant to 75-5-301 and 75-5-303 related to standard mixing zones for ground water, source specific mixing zones, and nonsignificant changes in water quality.	The preliminary analysis may be based on currently available information and must consider the effects of overlapping mixing zones from proposed and existing wastewater treatment systems within and directly adjacent to the subdivision. Instead of performing the preliminary analysis required under this subsection (1)(g), the subdivider may perform a complete nondegradation analysis in the same manner as is required for an application that is reviewed under Title 76, chapter 4.

**RAVALLI COUNTY ROAD & BRIDGE DEPARTMENT****~ POLICY ~****ACCESS ENCROACHMENT**

To facilitate the beneficial public use of Ravalli County roadway rights-of-way, consistent with Montana State Law, the Board of County Commissioners has adopted this policy for the management of private access encroachments within those county roadway rights-of-way. The intent of this policy is to provide for the construction and improvement of these accesses in accordance with the design standards, specifications and procedures adopted by the county; to protect the health and safety of the public; to provide for public safety and the preservation of roadway investments; and to minimize conflicts between public roadways and private approaches. Through the provisions of this policy, the Road & Bridge Department will administer the standards necessary to protect public health and safety, maintain a reasonable level of traffic flow, maintain roadway drainage and preserve functional levels of service for public roadways while meeting regional, local and private transportation demands and interests.

**SECTION I INTRODUCTION****A) AUTHORITY**

Pursuant to the resolution of the Board of County Commissioners and applicable Montana State Law, specifically 7-14-2101 and 7-14-2102 MCA, the Road & Bridge Department shall regulate, permit and manage vehicular access to and from a county roadway, from or to any property adjoining the county roadway.

**B) IMPLEMENTATION**

Upon the effective date of this policy no person shall construct, reconstruct, improve or expand any access providing direct movement to or from any roadway operated by the Ravalli County Road & Bridge Department (RCRBD) without possession of a permit approved and issued by the RCRBD. Any permit issued shall constitute an obligation by the OWNER to perform all work in compliance with the terms of the permit and associated design and construction standards.

Access permits shall be issued only in accordance with this policy. No verbal or other informal approval shall be considered valid. In no event shall an access be allowed or permitted if it is determined to compromise public health or safety.

**Vehicular access to or from any property** adjoining a Ravalli County roadway shall be achieved only through **a designed, constructed and approved access.**

## **SECTION II ADMINISTRATION**

### **A) OBTAINING A PERMIT**

Persons wishing to apply for direct access to a county roadway shall contact the RCRBD, which may require any of the following items, when necessary, for the evaluation of an access: A) roadway and access approach plan and profile, B) complete drainage plan of the site showing impact to the roadway right-of-way, C) site map detailing utility locations before and after development in and along the roadway, D) a subdivision development plan, E) a property map identifying any other access or abutting public roadways, and F) a proposed access design.

In applying for and accepting the issuance of a permit, the OWNER shall certify that they have read and agree to all of the terms and conditions of this policy.

Upon receipt of a permit application, the RCRBD will employ this policy in the review of the application and will work cooperatively with the OWNER to attempt to resolve any issue prior to taking final action. The responsibility of meeting the provisions of this policy, however, is entirely that of the OWNER. A permit application shall conform to all sections of this policy. The RCRBD will typically act upon an application within two (2) weeks by transmittal of an approved permit, the issuance of a preliminary or construction permit, or denial of the application. Before denying an application, the RCRBD will discuss the issue with the OWNER and will attempt to resolve the reasons for the decision.

### **B) PERFORMANCE GUARANTEE**

The OWNER may be required to post a performance guarantee, in the amount estimated to complete the construction of the approach and in the form of a cash deposit or surety, at the discretion of the COUNTY. The decision to require a guarantee will be based upon criteria that may include the past performance of the OWNER in complying with the terms and conditions of previous permits and complications with the construction of previous installations by the OWNER.

### **C) PRELIMINARY APPROACH PERMITS**

The OWNER may apply for a Preliminary Approach Permit to determine an acceptable location for access onto a county roadway. The RCRBD will review the proposal and may grant conceptual approval. The RCRBD is not responsible for determining the location or design of access onto county roadways. The OWNER shall be responsible for clearly demonstrating that the approach would be consistent with adopted design standards. The OWNER is encouraged to obtain the assistance of a licensed civil engineer. An Access Encroachment Permit fee is payable at the time of application. The RCRBD may forward proposals to the county's consulting engineer for further review. The OWNER shall be responsible for the total cost of review. Upon approval, the exact location and design of the access shall be identified on all subsequent plan submittals.

A preliminary approach permit may remain valid for up to twenty-four (24) months and may be converted to a standard permit, at a reduced rate, upon final plat approval, provided that no change to design or location has occurred.

#### **D) CONSTRUCTION OF ACCESS**

The approach permit shall be deemed expired and void if the construction of the access has not been completed before the expiration date identified on the permit. When the OWNER is unable to complete construction within that schedule, they may request an extension from the RCRBD. Any request for an extension must be submitted to the RCRBD before the permit expiration date.

The anticipated dates of construction shall be included in the application. The OWNER shall notify the RCRBD at least forty-eight (48) hours prior to any activity within the public roadway right-of-way. The access shall be completed in a timely and safe manner, within the time schedule identified on the permit.

The RCRBD will perform inspection of the construction process, and of the completed access, to ensure that all permit terms and conditions are achieved.

The construction of the access and its appurtenances as required by the terms and conditions of the permit shall be completed at the expense of the OWNER.

The RCRBD may order a halt to any unauthorized access construction or use.

A copy of the approved permit shall be available for on-site review at all times.

The RCRBD may order minor amendments to address site-specific conditions.

#### **FINAL INSPECTION**

The OWNER shall request of the COUNTY a final inspection of the installation immediately upon completion of construction. The OWNER agrees to perform, at the OWNER's expense, any correction or modification determined necessary by the COUNTY. Failure to complete construction and request final inspection within one year of the date of application shall be considered abandonment of the access and shall result in termination of the permit. The OWNER shall be, and shall remain, responsible for any expense incurred by the COUNTY to remove the access and to restore the roadway easement to its original condition.

#### **TRAFFIC CONTROL**

Adequate construction signing, in conformance with the Manual on Uniform Traffic Control Devices, is required at all times during construction. This may include, but is not limited to, the use of signs, barricades and flaggers. The RCRBD and its employees shall be held harmless against any action for personal injury or property damage sustained through the exercise of an access permit.



### **LOCATION OF UTILITIES**

The OWNER shall be responsible for identifying the location of existing utility installations by contacting the Utility Notification Center prior to construction.

### **INSURANCE AND LICENSE**

The OWNER shall provide a current Certificate of Public Liability Insurance in the amount of \$1,000,000.00, naming RAVALLI COUNTY as insured; or shall employ an excavation contractor licensed by the State of Montana and possessing such insurance coverage to perform any work within the county roadway right-of-way.

### **E) USE OF ACCESS**

It is the responsibility of the OWNER to ensure that the use of the access is not, and does not become, in violation of terms and conditions of this policy or the conditions identified in the approved permit. The terms and conditions of the permit are binding upon all owners, assigns, successors-in-interest and heirs.

When any change occurs in the use of the property that results in changes in the use or operation of any access onto a county roadway and the access no longer conforms to this policy or the conditions identified in the approved permit, the reconstruction or relocation of the access will be required. The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for required permits, in advance of those activities.

When, in the course of roadway activity performed by the RCRBD, it becomes necessary to reconstruct, relocate or otherwise amend an existing and approved access, the RCRBD will initiate appropriate contact, procedure and agreement.

### **F) EXISTING ACCESSSES**

An access to a county roadway that was appropriately established prior to the adoption of this policy may remain as if permitted under this policy provided that 1) the access is operated and maintained in conformance to this policy, 2) the access provides service only to the adjacent property(s) and in the **same function and capacity** as may exist at the time of the adoption of this policy, and 3) the access does not compromise the safety of roadway users. It is the intent, and shall be the practice, to apply the provisions of this policy to new accesses onto county roadways and to existing accesses only as defined herein.

When any change occurs in the use of the property that results in changes in the use or operation of any access onto a county roadway and the access no longer conforms with this policy or the conditions identified in the approved permit, the reconstruction or relocation of the access will be required. The OWNER shall be responsible for all costs associated with reconstruction or other modification of the access and shall apply for required permits, in advance of those activities.

### **G) ILLEGAL ENCROACHMENT**

Pursuant to Montana State Law, specifically 7-14-2134 through 7-14-2137 MCA, the RCRBD shall remove or cause the removal of any highway encroachment not specifically permitted under the provisions of this policy. The OWNER shall be sent a written notice of any illegal encroachment, access location or use and a ten (10) day notification of any pending action, after which the RCRBD may install barriers across or remove any access not conforming to this policy. In the event the encroachment presents an immediate hazard to roadway users, the COUNTY may remove the encroachment without notification. The OWNER shall be responsible for any expense incurred by the COUNTY in such removal.

### **H) CONFORMANCE OF SUBDIVISIONS**

Upon the effective date of this policy, no person(s) may submit an application for the subdivision of property abutting a county roadway unless the subdivision development plan provides that all parcels created by the subdivision will have access to the roadway system in conformance with this policy and the Ravalli County Subdivision Regulations. Direct access from the subdivision to the county roadway system shall be permitted only if the access approach meets the requirements of this policy. Dependant upon the functional classification of the roadway, direct access from subdivision parcels to a county roadway may not be permitted. Newly created subdivision parcels may be required to access only onto internal subdivision streets and not directly onto a county roadway.

### **I) PERMIT FEES**

The Ravalli County Board of County Commissioners has approved a schedule of fees for permits issued pursuant to this policy. At the time of adoption of this policy, the fee for Access Encroachment permits is \$100.00 for each installation.

Additional fees may be assessed for review by the county's consulting engineer.

### **J) OWNER RESPONSIBILITY**

The OWNER, their successors-in-interest or assigns of the property served by the access shall be responsible for continuously meeting the terms and conditions of the permit. The OWNER shall alone be responsible for maintaining the access in a responsible, safe and operational condition, as determined by the COUNTY.

An access permit shall be considered in full force and effect from the time of approval until the permit is terminated by the COUNTY or abandoned by the OWNER. The COUNTY may terminate a permit should the OWNER fail to continuously conform to the terms and conditions of the permit. In the event of termination or abandonment, the OWNER shall be responsible for the removal of the access and for restoring the roadway easement to its original condition.

Should the OWNER fail to effectively remove the access and restore the easement, the COUNTY may cause the work to be performed. The OWNER shall alone be responsible for all expenses incurred by the COUNTY for such action and for any damage to the roadway resulting from any action or inaction by the OWNER.

The OWNER shall be responsible for the removal of snow from the approach even when deposited onto the access in the course of county roadway snow removal.

***SNOW SHALL NOT BE DEPOSITED ONTO OR ACROSS A COUNTY ROADWAY.***

In accepting a permit, the OWNER, their successors or assigns, agrees to hold the COUNTY harmless in any claim or action arising from the performance of any work, material, installation, maintenance or operation of the access, or from the occupancy of the public easement. The OWNER additionally agrees, in the event of suit resulting from such, shall defend the same at their expense.

### **SECTION III ACCESS CONTROL STANDARDS**

To provide for the effective management and functional integrity of the county roadway system, to maintain desirable traffic flow and reduce potential conflict, and to enhance the safety of roadway users while providing for reasonable access to county roadways from adjacent property, the following guidelines establish levels of access control applied to Ravalli County roadways, based upon the functional classification assigned to a roadway or a roadway segment.

These are considered to be minimum guidelines. Consideration may be given to access locations where existing topography, property limits and roadway design considerations may limit strict compliance with these standards. The access should serve as many parcels as possible to reduce the demand for additional public roadways and for additional direct access to county roadways.

The separation of accesses is measured from the centerline of the approach.

#### **A) MAJOR COLLECTOR ROADWAY**

##### **PRIVATE DIRECT ACCESS**

No more than one access shall be permitted or provided to an individual parcel, or contiguous parcels under the same ownership, unless it is demonstrated that 1) the additional access would not compromise the safety of county roadway users or the operation of the county roadway, 2) allowing only one access for the parcel would conflict with established local safety regulations, and 3) that the additional access would not be detrimental to the public health and safety.

##### **SEPARATION OF ACCESSES**

All private accesses, intersecting public roadways and other direct access to major collector county roadways shall be separated by a minimum of **600** feet.

Where high traffic volumes exist on the county roadway, or substantial increases in traffic are anticipated, accesses should be separated by a minimum of 900 feet.

## **B) MINOR COLLECTOR ROADWAYS**

### **PRIVATE DIRECT ACCESS**

No more than one access shall be permitted or provided to an individual parcel, or contiguous parcels under the same ownership, unless it is demonstrated that 1) the additional access would not compromise the safety of county roadway users or the operation of the county roadway, 2) allowing only one access for the parcel would conflict with established local safety regulations, and 3) that the additional access would not be detrimental to the public health and safety.

### **SEPARATION OF ACCESSES**

All private accesses, intersecting public roadways and other direct access to minor collector county roadways shall be separated by a minimum of **300** feet.

## **C) LOCAL ACCESS ROADWAYS**

### **PRIVATE DIRECT ACCESS**

One direct access to a county roadway will be permitted or provided to each individual parcel, or to contiguous parcels under the same ownership, when it is demonstrated that the access will not create safety or operational concerns and the separation of the accesses is consistent with the requirements of this policy.

### **SEPARATION OF ACCESSES**

All private accesses, intersecting public roadways and other direct access to any local access county roadway shall be separated by a minimum of **150** feet.

## **SECTION IV DESIGN STANDARDS & SPECIFICATIONS**

All private access onto Ravalli County roadways shall be designed and located in conformance with the standards established in this policy. The design of all accesses shall be consistent with the adopted roadway design standards. The OWNER shall alone be responsible for ensuring compliance with these standards.

Ravalli County has adopted AASHTO standards for the design of roadways. All work performed and all materials installed within Ravalli County rights-of-way shall conform to the **MONTANA PUBLIC WORKS STANDARD SPECIFICATIONS**.

Any access that is not constructed in conformance with these standards **will not be approved**. The OWNER shall be alone responsible for ensuring that all installations are designed and constructed in conformance with these standards.

## **A) WIDTH OF ACCESS**

The width equals the full span of the access excluding the approach radius.

- Single Family Residential - minimum of 16 feet to maximum of 20 feet.
- Multi-Family Residential - minimum of 18 feet to maximum of 22 feet.
- Commercial / Industrial - minimum of 28 feet to maximum of 32 feet.

When a subdivision access, or another public roadway, intersects with a county roadway, the access width shall be determined through the AASHTO standards.

Refer to the drainage chapter of this policy for approach culvert requirements.

## **B) ALIGNMENT**

All approaches shall intersect the county roadway at a ninety (90) degree angle.

In the event existing topography or other legitimate physical conditions may preclude a ninety degree intersection, the OWNER may, through a licensed civil engineer, apply for an exception to this standard. The engineer shall provide a signed and stamped design of the access for review by the COUNTY. In no instance shall an approach intersect the county roadway at less than sixty (60) degrees. The OWNER shall alone be responsible for all costs relating to the review of the proposed design, including those of the county's consulting engineer.

## **C) APPROACH RADIUS**

At the intersection with a county roadway, all residential approaches shall have an equivalent radius of 15 feet minimum to 25 feet maximum. All approaches intended for commercial or industrial use, or that may routinely serve over-size vehicles, shall have an equivalent radius of 35 feet minimum to 45 feet maximum.

The limit of the radius shall be at least five feet from the adjoining property line.

## **D) SURFACING**

All access approaches onto paved county roadways shall be surfaced with a commercial hot-plant asphalt concrete pavement, consistent with the adopted roadway design and construction standards. Typically, a two (2) inch asphalt pavement over a four (4) inch crushed, graded and compacted aggregate base would be considered appropriate for the section within the county right-of-way.

All approaches onto gravel roadways shall be surfaced with a crushed aggregate material, graded, shaped and compacted to match the county roadway surface.

Private approaches shall be constructed in conformance to these standards from the edge of the intersected roadway to the outer limit of the roadway easement.

Materials shall be placed and compacted consistent with approved standards. Subdivision or other public roadway access shall be designed and constructed in accordance with adopted design standards and the Subdivision Regulations.

#### **E) MAIL DELIVERY TURN-OUTS**

All mail receptacles shall be installed, in accordance with AASHTO and USPS standards, in a location that facilitates delivery without compromising the safe and efficient movement of traffic on the county roadway. When a turn-out is required, it shall be constructed in accordance with approved design standards.

#### **F) SPEED CHANGE LANES**

Speed change lanes (auxiliary lanes) may be required to provide for the safe exit and entry of vehicles using an access and to provide for safe and efficient travel upon, and operation of, the county roadway. The demand for additional lanes is typically identified through a **TRAFFIC IMPACT STATEMENT** performed as a condition of a subdivision or another significant development. The conduct of an impact statement shall be consistent with adopted roadway design standards, the criteria established by the INSTITUTE OF TRAFFIC ENGINEERS and the Ravalli County Subdivision Regulations. When an impact study is required, the OWNER shall provide, through a licensed civil engineer, a comprehensive study and subsequent design proposal for review by the COUNTY. The OWNER shall alone be responsible for all costs associated with this review process and the construction of any roadway improvements recommended through the study.

#### **G) SIGHT DISTANCE**

Permits shall not be issued for any approach that allows any turning movement where the sight distance is not sufficient to provide for the safe and efficient movement of traffic exiting from or entering a county roadway, or encountering the access while upon the county roadway. The OWNER shall be responsible for clearly demonstrating that the approach conforms to the following criteria.

#### **RESIDENTIAL ACCESS**

The **STOPPING SIGHT DISTANCE** as determined through AASHTO design standards and as summarized below, shall be used to identify the appropriate distance. Where a proposed approach does not **clearly meet this standard**, the OWNER shall alone be responsible for 1) identifying an alternative location for review by the COUNTY, or 2) through a licensed civil engineer, designing and proposing the effective mitigation of a substandard location. That proposal shall be reviewed by the COUNTY and may be reviewed by the county's consulting engineer. The OWNER shall be responsible for all costs associated with this review process. The COUNTY has no obligation to approve an approach location. The OWNER is responsible for conformance with this policy.

The schedules below identify minimum values. At the discretion of the RCRBD, an approach with site-specific sight distance concerns or questions may be reviewed by the county's consulting engineer, at the OWNERS expense. The project OWNER may benefit from having a licensed engineer provide a design.

#### LOCAL ACCESS LOW-VOLUME ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	250	350	470

#### LOCAL ACCESS ROADWAY / MINOR COLLECTOR ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	305	425	570

#### MAJOR COLLECTOR ROADWAY

POSTED SPEED (MPH)	35	45	55
REQUIRED SIGHT DISTANCE (IN FEET)	360	495	645

For roadways with a posted speed limit other than those above, the next highest category shall be used to determine the appropriate sight distance requirement.

For calculating this sight distance, the height of the driver's eye level shall be 3.5 feet from the surface level and the object height shall be 2.0 feet. The driver's eye shall be assumed to be from the centerline of the inside lane of the approach.

#### COMMERCIAL / INDUSTRIAL ACCESS

For commercial and industrial approaches, the sight distance requirements shall be designed through application of AASHTO standards. The appropriate sight distance is dependent upon several criteria including 1) the posted speed limit and design speed of the county roadway, 2) the design vehicle anticipated to use the approach, and 3) the width and turning radius of the access approach.

Access to agricultural concerns or any other land use where over-size vehicles may enter the county roadway shall be considered in this classification. The OWNER shall, through a licensed civil engineer, provide an approach design consistent with adopted roadway design standards, for review by the COUNTY.

The OWNER shall be alone responsible for all costs associated with this review process including the cost of a review by the county's consulting civil engineer.

The design vehicle shall be the largest vehicle anticipated to use the access.

### **SUBDIVISION ACCESS**

The access roadways for any development processed through the Ravalli County Subdivision Regulations shall be designed as a part of the development project.

This design shall include a review of the existing sight distance at the county roadway and any improvements necessary to meet the criteria of the adopted roadway design standards. The COUNTY may review and grant conditional approval of a proposed access; however, the approach design shall be included in the preliminary and final designs of the subdivision project and shall be constructed prior to the commencement of any subdivision construction activity.

A temporary, or construction, access may be approved for the project, provided that all appropriate drainage, roadway preservation, erosion and traffic control measures are installed and maintained throughout the construction process.

### **H) DRAINAGE**

County roadway drainage systems are designed exclusively for the management of storm-water related to the operation of the roadway and are neither designed nor intended to accommodate storm-water from adjacent property. No access roadway or any other construction on adjacent property shall discharge storm-water, beyond natural, undeveloped levels, into or upon the roadway easement.

The OWNER shall clearly demonstrate that water from adjacent property will be effectively controlled outside of the roadway easement. The **discharge of water** into or upon a public roadway easement **is a violation of Montana State Law**.

Drainage structures and storm-water management systems for adjacent property shall not compromise the drainage systems of the county roadway and shall be designed and constructed consistent with storm-water management standards.

### **APPROACH CULVERTS**

All approaches to a county roadway shall be constructed with a drainage pipe, or culvert, unless the RCRBD determines that such installation is not required.

Approach culverts shall have a minimum fifteen (15) equivalent inch diameter and shall be installed in a manner that facilitates the existing drainage system.



All approach culverts shall be installed with a tapered end section with a taper of not less than 33 degrees, with the in-slopes of the approach graded to match.

All approach culverts shall be of a type specifically designed for roadway construction purposes. Materials that would typically be approved for installation within the county roadway easement include 1) reinforced concrete pipe, 2) corrugated steel pipe, and 3) corrugated (lined) high-density plastic pipe.

All approach culverts shall have a minimum cover of one (1) foot in depth, or to the depth **recommended by the culvert manufacturer**, which ever is greater.

All culverts shall be designed and installed to accommodate the existing storm-water capacity of the roadside drainage facility. The OWNER shall be alone responsible for the design and installation of drainage culverts and shall be responsible for any and all damage to the county roadway system arising from an improperly designed or constructed structure, or any other detrimental action.

## **I) MANAGEMENT OF EASEMENTS**

The RCRBD will manage and operate the roadway drainage system within the roadway easement; however, the OWNER is alone responsible for the repair and replacement of an approach that becomes under disrepair, provided that no action of the RCRBD is directly responsible for that condition. Should the roadway be reconstructed or other improvements become necessary, to the extent that the roadside drainage capacity is affected, the RCRBD will provide for replacement of existing drainage structures. Upon completion of that action, the OWNER shall again be responsible for that installation, in conformance with this policy.

Nothing shall be placed within the roadside drainage areas which would restrict or otherwise compromise the transfer of storm-water. No landscaping shall be permitted within the roadway easement, other than low-growth native grasses.

### **FIXED OBSTACLES PROHIBITED**

Concrete or rock headwalls, abutments, or any other structure representing a fixed obstacle encroachment is prohibited within the county roadway easement.

### **GATES**

An access that has a gate across it shall be designed so that the longest vehicle using the access can completely clear the traveled way when the gate is closed.

Gates or other fixed obstacles are not permitted within the roadway easement.

The **MANAGEMENT OF ROADWAY EASEMENTS** policy, adopted by the Board of County Commissioners in December 2005, provides additional information on the regulation, management and operation of county roadway rights-of-way.

## **J) ADDITIONAL DESIGN ELEMENTS**

### **APPROACH GRADES**

Within the roadway easement, the access shall be graded to slope away from the edge of the county roadway, a slope not less than 2% and not greater than 4%.

Outside the easement, the access shall be constructed at a grade that achieves appropriate drainage and that allows for safe approach to the county roadway.

The grade of a subdivision access shall conform to the Subdivision Regulations.

### **SLOPES**

All fill slopes and cut slopes shall be constructed consistent with the adopted roadway design standards. All slopes within the roadway easement shall be at least 3 feet (H) to one foot (V) (3:1) with 4:1 or flatter slopes whenever possible.

The approach slope shall be graded to blend with the existing roadway slope.

All disturbed slopes and other exposed soils shall be stabilized with desirable vegetative ground cover. Temporary erosion control measures may be required to be maintained until permanent ground cover has been effectively established.

## **J) APPLICATION OF STANDARDS**

The judgment of the RCRBD shall be the determining basis of decisions for approval or denial of requests for access to county roadways. The RCRBD will work with the OWNER to identify and resolve site-specific issues relative to the design of an access. In the event of significant deviation from adopted standards, the OWNER may be required to request an exception to the standards, through a licensed civil engineer. The RCRBD may forward the request to the county's consulting engineer for further review and opinion. The OWNER shall be responsible for all costs associated with this review process.

## **SECTION V APPEALS**

The OWNER may appeal an RCRBD action or decision directly to the Board of County Commissioners. Any appeal **shall be in writing** and shall state 1) the specific action or decision being appealed, 2) the reasons why the action or decision is being contested, and 3) the specific article of this policy that is being appealed. All appeals shall be made within thirty (30) days of the RCRBD action.

# EXHIBIT B

**Ben Howell**

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**From:** Thomas J. Gacek [sugarless@netscape.com]  
**Sent:** Thursday, August 03, 2006 2:20 PM  
**To:** Ben Howell  
**Subject:** Re: Sunnsydie Orchards #4, Block 21, Lot 8A, AP

As an adjoining landowner I would not like to have another subdivision in the area. Just 3/4 mile from this proposed subdivision are numerous new homes (subdivisions?) on Ridge Rd. that have added a lot more traffic to the area, requiring constant street repair on Ridge and also up Store Lane due to pot holes. All the traffic comes up Ridge to Store Lane and stops at the stop sign. From early morning we hear truck motors sitting there and then turning right, gearing up to go up the hill on Store Lane. We have the same coming from up Store Lane from the Three Mile Store Location and several in that direction are also subdividing. This makes for a very busy Ridge and Store Lane intersection with only a 4 way Stop. ( In fact, it is difficult to take a walk on Store or Ridge right now as cars fly past doing 45-50 miles an hour.) Not just busy, but smelly from the car fumes. If I wanted to smell and hear traffic in Montana I would move to Missoula.

I disagree with the proposed 6 children and 40 car trips per day. Who makes just 2 trips a day in this day and age? And I only know of one couple who have one child. We already have numerous kids in the area - sometimes they hang out on our corner sitting on our rail fence with nothing to do but get in trouble, remember when Three Mile Store was robbed and then sometimes they like to "borrow" our wood rails, or repair their car there. Not to mention I also get tired of neighbor dogs pooping in my yard - I don't even have a dog. People think this is the country and not a suburb and let their dogs run - ever try taking a walk - better carry something to fend off the lose dogs.

Sorry, don't agree with the subdivision. I thought I lived in the country,  
Diane Gacek

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